

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

TROY D. GERMAN,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 19-cv-751-F
)	
BILLY D. "RUSTY" RHOADES,)	
individually; MICHAEL HARRELL,)	
individually; BRIAN ORR, individually,)	
and MEGAN SIMPSON, individually,)	
)	
Defendants.)	

**MOTION FOR LEAVE TO FILE REPLY BRIEF UNDER SEAL
BY NONPARTY DANE TOWERY WITH BRIEF IN SUPPORT**

For his motion for leave to file a reply brief under seal pursuant to Fed. R. Civ. P. 5.2(d), nonparty Dane Towery states the following:

1. Towery is an Assistant Attorney General in the Multicounty Grand Jury Unit of the Office of the Oklahoma Attorney General.

2. Towery filed under seal a "Motion for Protective Order or for Order Quashing or Modifying Subpoena With Brief in Support" on August 13, 2021. [Doc. 125]. The motion was based, in part, on concerns about grand jury secrecy relating to the grand jury investigation of Plaintiff Troy German.

3. Defendants Rhoades, Harrell, and Simpson filed a response. [Doc. 127].

4. Hearings, motions, etc. relating to grand jury issues are typically nonpublic. *See In re Proc. of Multicounty Grand Jury, Case No. CJ-92-4110*, 1993 OK CR 12, 847 P.2d 812 (transcript requests, immunity hearings).

5. Federal Rule 5.2(d) permits sealed filings upon order of the Court. A motion to file a document under seal must be publicly filed “and therefore should state only in a general way the reason for the request.” Policies & Procedures Manual at III.A. The Court may later direct that a redacted version be publicly filed. Fed. R. Civ. P. 5.2(d).

WHEREFORE, Nonparty Dane Towery respectfully requests that the Court enter an order permitting him to file under seal his reply brief relating to doc. 125.

Respectfully submitted,

s/ Devan A. Pederson

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Attorney for Nonparty Dane Towery

CERTIFICATE OF SERVICE

I hereby certify that on this 25th day of August 2021, I electronically transmitted the foregoing document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

Stanley M. Ward
Woodrow K. Glass
Barrett T. Bowers
Andrew M. Casey

S. Alex Yaffe
Gentner F. Drummond
Garry M. Gaskins, II
Logan L. James

s/ Devan A. Pederson

Devan A. Pederson